

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.27347-M of 2006

Date of Decision:- 08.02.2007

Sarita Gupta & ors.

....Petitioner(s)

through
Mr.O.P.Hoshiarpuri, Advocate

vs.

State of Punjab

....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

SURYA KANT, J.

Prayer in this petition is for quashing of F.I.R.No.136 dated 25.7.2005 under Section 406/420 IPC registered at Police Station, Division No.6, Ludhiana.

In response to notice of motion, reply/affidavit has been filed by Satvir Singh, PPS, Deputy Superintendent of Police, Ludhiana to the effect that after investigation in the F.I.R., the challan against the petitioners has already been filed in the Court of learned Judicial Magistrate, Ludhiana on 10.1.2006.

It is however not disputed by learned counsel for the parties that the charges are yet to be framed.

Having regard to the fact that the petitioners have got an effective opportunity to raise all the pleas as raised in this petition, before the learned Judicial Magistrate at the time when the case is taken up for framing of charges, this petition is disposed of with the following directions:-

(i)the petitioners will be at liberty to raise all the pleas

before learned Judicial Magistrate and the same shall be taken into consideration in accordance with law.

(ii) If so advised, petitioners No.1 and 2 (Sarita Gupta wife of Mahesh Gupta and Priyank Gupta son of Mahesh Gupta) may move an application to grant them exemption from personal appearance and if any such an application is moved by them, the learned trial Court is directed to grant them personal appearance, however, subject to the following conditions that:- (i) they will be represented through counsel; (ii) will not delay/stall the trial proceedings; (iii) will not dispute their identity as accused; and (iv) will have no objection if the prosecution evidence is also recorded in their absence but in the presence of their counsel.

Disposed of.

February 08, 2007
poonam

(SURYA KANT)
JUDGE